

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES

v.

OMARI PATTON

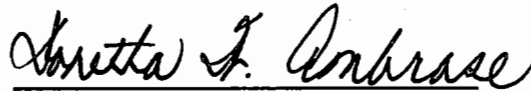
)
) CR 2-93
) CV 16-735

MEMORANDUM ORDER

Defendant has moved for reconsideration of this Court's Order dated June 24, 2016, dismissing his Section 2255 Motion. That Motion, filed at docket 1177, asserted that Defendant was deprived of the effective assistance of counsel during his Section 3582 proceeding. There is, however, no right to counsel in a Section 3582 proceeding. E.g., United States v. Hart, 331 Fed. Appx. 972, 973 (3d Cir. 2009). Defendant's Motion does not raise newly discovered evidence or a new rule of constitutional law, as required by Section 2255(h), and is barred as a second or successive petition.¹ Defendant has proffered no grounds that would justify modification of my June 24, 2016 Order. Therefore, his Motion for Reconsideration is denied.

AND NOW, this 11th day of July, 2016, IT IS SO ORDERED.

BY THE COURT:



Donetta W. Ambrose

Senior Judge, U.S. District Court

¹ I note that Defendant's most recent Section 2255 Motion has now been properly docketed as a separately pending Motion. That Motion sets forth a Johnson claim that implicates 28 U.S.C. § 2255(h)(2). Defendant has petitioned the Court of Appeals for certification, and the Johnson Motion has been stayed pending the Court of Appeals' decision.